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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re

GERALD ARMSTRONG,

Debtor

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) CASE NO. 95-10911 aj  
)  
) TRANSCRIPT OF PROCEEDINGS  
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)  
) DATE: October 6, 1995  
) TIME:  
) CTRM: Hon. Alan  
) Jaroslovsky

1  
2 CLERK: Church of Scientology International v. Gerald Armstrong

3 MS. RAJKOWSKI: Shauna Rajkowski on behalf of the plaintiff.

4 THE COURT: All right well I don't see Mr. Armstrong here but that's probably just  
5 as well. I'm not going to grant the motion. And I want you to think about frankly, I know  
6 you've got some other motions calendared in the future, but if a motion is not absolutely  
7 necessary, it hurts your case.

8 MS. RAJKOWSKI: Your honor, it has been our experience in litigating with Mr.  
9 Armstrong, that if pleadings are allowed to just sit in the file he will constantly refer to them  
10 and sort of make it exponentially larger and distract from the merits of the case and the  
11 specific issues at issue.

12 THE COURT: Well, what I'm going to do I am not going to allow the trial to  
13 become a trial on the merits of Scientology. I think I'm going to order that direct testimony  
14 at the trial by both sides be in the form of declarations, with no exhibits to be attached.  
15 With the declarant available in court to be cross-examined and that way -- I won't have -- I  
16 have the feeling that he's just going to rant on. I understand his answer is a rambling  
17 dissertation but because of the nature of his allegations I can't strike it, I've got to do the  
18 best I can to sift through it to see if there's in fact a defense there. But the -- bringing these  
19 motions that are not absolutely necessary -- and this is certainly not absolutely necessary, it's  
20 just pleadings, it just adds fuel to his claim that he's being persecuted. So I just want to get  
21 this to trial, I'm going to resolve it on very narrow issues. The issues are very clear first of  
22 all, was he truthful and honest in his schedules and number 2 is did he have the intent to  
23 deceive when he took the settlement money from the church. Those are the only two issues  
24 I'm going to address. But I don't feel it's appropriate to go around striking the rest of it.  
25 So--

26 MS. RAJKOWSKI: Just so that we're clear, is it the first amended answer that is  
27 controlling at this point because there was no leave to file the second amended answer?

28 THE COURT: I don't think --



1 MS. RAJKOWSKI: OK.

2 THE COURT: This is why I say it's not important. What difference does it make?  
3 Federal pleading is very loose.

4 MS. RAJKOWSKI: OK --

5 THE COURT: All I want -- the only purpose of the pleadings is just to make sure  
6 there's an issue there. I know what the issues are. The issues are was he truthful and  
7 honest in his schedules, did he have intent to deceive when he took the Church's money? So  
8 I know what the issues are and it doesn't -- whether the pleadings are 2 pages or 50 pages, it  
9 doesn't matter.

10 MS. RAJKOWSKI: OK.

11 THE COURT: But there's just no point to striking any of this stuff.

12 MS. RAJKOWSKI: OK.

13 THE COURT: So I will get out an order regarding the testimony by declarations  
14 because I do not want to sit and listen to him ramble on.

15 MS. RAJKOWSKI: And no exhibits also?

16 THE COURT: Yeah. The exhibits, I mean, I will listen to people's -- party's  
17 motions to enter exhibits but I don't want him to do the same thing as he did with -- I don't  
18 want both sides to do what they did with these huge exhibits of irrelevant information.

19 MS. RAJKOWSKI: OK.

20 THE COURT: So anyway I'll prepare that order. When's the trial in this matter set?  
21 Do you know?

22 MS. RAJKOWSKI: I don't have it handy.

23 THE COURT: Do we have that?

24 CLERK: February 13th.

25 THE COURT: Oh OK so we've got plenty of time. Anyway I know you've got  
26 other motions on calendar. My strong advice is to take a look at them and if they're not  
27 absolutely necessary to resolve the case you're better off just dropping them.

28 MS. RAJKOWSKI: OK, I know that -- one of them is a motion for a protective

1 order because he's seeking mountains of discovery from us that are not relevant to the issues  
2 that we've discussed. I don't see how we can get around that without --

3 THE COURT: Well I'm not telling you -- I don't even -- I had not looked -- I am  
4 aware that they've been filed I don't know what they are.

5 MS. RAJKOWSKI: OK.

6 THE COURT: But the point is if you've got something important it dilutes the  
7 effectiveness if you bring a motion like this which is not really very essential.

8 MS. RAJKOWSKI: OK.

9 THE COURT: So and it really plays into his hands too because one of the things  
10 he's alleging is that the Church has been persecuting him. So to the extent you can keep it  
11 simple and not appear that way it helps your case. OK.

12 MS. RAJKOWSKI: Thank you.

13 THE COURT: All right. Thank you.